

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Dominick Giampaolo
Plaintiff,
vs.
Terry McCann, et al.
Defendants.

Case No. 07 C 7154
The Honorable Judge
John W. Darrah Presiding

FILED

SEP 08 2008
SEP 08 2008

CLERK, U.S. DISTRICT COURT
MICHAEL W. DOBBINS

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, pro-se, hereby moves this Honorable court for a preliminary injunction, under the authority of Fed. Rules of Civil Procedure 65(a) enjoining Defendants, and their agents, servants, employees, representatives, and the persons in active concert or participation with them from any of the following toward the Plaintiff and those named herein;

1. Subjecting Plaintiff to being transferred to any other facility for the purposes of attending court in the northern suburbs of Illinois such as Kane County, DuPage County, or McHenry County.
2. Transferring the Plaintiff to any other facility (prison), without the Plaintiff's written agreement, that is of a higher security rating than the one Plaintiff presently occupies while this claim as captioned above is pending. Plaintiff is currently in a level '3' facility and has had no disciplinary reports in more than 2 years and thus there is no legitimate penological reason for any such transfer and in the event any discipline is needed the present facility has a segregation unit.
3. Denial of Plaintiff's medical treatment he has currently or formerly been granted by doctors and medical staff hired by the Illinois Department of Corrections (hereinafter 'IDOC')
4. Tampering with Plaintiff or his witnesses through harassment, coercion, and intimidation tactics.
5. Subjecting Plaintiff or his witnesses (listed in relevant part hereafter) to the conditions described of in the complaint.
6. Discussing Plaintiff's legal activities and medical conditions with any unauthorized persons.
7. Tampering with Plaintiff's incoming and/or outgoing mail.
8. Denial or lessening of law library time and access.
9. Interference with Plaintiff's phone calls.
10. Issuance of disciplinary tickets both excessive and unusual.
11. Mental or emotional anguish through verbal assaults and comments by prison officials.
12. Retaliatory transfers of the Plaintiff or his witnesses.

13. Transferring Plaintiff to court writs where such transfer would cause the Plaintiff serious medical difficulties (described herein) that cause Plaintiff pain, suffering, and could lead to permanent injury.

Unless Defendants are restrained and enjoined by order of this court, Plaintiff, and his witnesses, will suffer irreparable harm, injury, loss, and damage in that they will be unable to challenge their constitutional rights violations in their cases without being transferred to Stateville C.C. or similar facility, and thereby placing them in deplorable conditions as described in the complaint as is IDOC's policy thereby subjecting them to; unconstitutional conditions of confinement, denial of emergency and needed medical care and treatment, punishment worse than segregation inmates, and being treated in a cruel and unusual manner as well as being subjected to coercion, harrassment, and retaliation by the Defendants as fully described in the complaint.

In conjunction with Plaintiffs verified complaint and the information contained in this motion, a memorandum of law, Plaintiffs medical records proving his Anxiety attacks, and affidavits of Plaintiffs witnesses are attached, hereby incorporated in substance and in fact, and made part hereof.

Unless enjoined the Defendants, their agents, servants, employees, employers, attorneys, and those in active participation with them will continue their over 6 year pattern of injury, coercion, and egregious violation of inmates Constitutional rights, upon the Plaintiff, his witnesses as it is IDOC's policy to transfer all inmates as writ guests for their attending of court dates in the Northern suburbs of Chicago to Stateville Corr Ctr or similar facility with conditions as described in the complaint.

If this preliminary injunction is granted, the injury if any, to the Defendants, if final judgment is not in thier favor will be inconsiderable.

I. Plaintiff alleges the following;

- A. Plaintiff, and his witnesses, are incarcerated inmates in the IDOC and are currently hosued at the Danville Corr Ctr, 3820 East Main in Danville, IL.
- B. Defendants are Terry McCann, Lt. Douglass, Lt. Nurse, Mr. Joseph, Ms. Hopkins, Mr. Egbe, Ms. Hester, Lt. Garby, Lt. Jackson, Mr Bush, lt. Franklin, Mr. Hawk, Mr. White, Mr. Bob (INU), Mr Phelps, Lt Wright of the Stateville Corr. Ctr- P.O. Box 112- Joliet, IL 60436.

Relevant to this Motion and those in active participation with these Defendants are;

Sandy Funk- Transfer Coordinator of IDOC;
 Roger E. Walker Jr- Director of the IDOC;
 Both- 1301 Concordia Ct, Springfield, IL 62794

- C. This matter involves the unconstitutional treatment of the Plaintiff and his witnesses by the Defendants subjecting Plaintiff and others to;

Cruel and unusual punishment by subjecting Plaintiffs as writ guests to deplorable conditions of confinement, lack of medical treatment, and other constitutional deprivations described in the complaint.

The immediate and real threat of injury exists in that the Plaintiff suffers from severe anxiety attacks as well as stress related conditions which, as shown herein, coincide with the Plaintiff going on writs to Stateville Corr. Ctr. The conditions are serious, ptoentially life threatening, and lack of medical care for writ guests has caused the Plaintiff permanent injury in the past.

I. (Cont.)

D. It is the policy of IDOC to hold inmates who have to appear at court in the Northern suburbs of Chicago at the Stateville Corr. Ctr.

Plaintiff has had to be held there at least 9 times in the last six years and anticipates many more times in the near future.

The real and immediate threat of injury due to Plaintiffs anxiety attacks and stress related conditions; ulcer, migraines, and irritable bowel syndrome (hereinafter 'IBS') is evident hereafter, section 'E' and is certain to occur in the future if not prevented.

E. Plaintiff suffers from severe anxiety attacks which cause him painful, debilitating, and terrifying chest pains, bleeding ulcers, migraines, and complete bowel obstruction due to IBS whenever he learns that he has to go back to Stateville C.C. for a court writ.

These attacks occur from days to weeks before the court writ and are not helped by any treatment from the sending institution and are always untreated by Stateville C.C.

One such attack occurred on 11-5-04, see attached Exhibit A-1, Plaintiffs medical file, for a court writ that he was transferred to Stateville C.C. on 11-12-04, see attached Exhibit A-2 transfer summary. The documents clearly indicate the Plaintiffs conditions and 'stress/panic' both by the sending and receiving facility but no treatment was given by either institution other than antacids by the Hill C.C.

Another attack occurred from 10-8-05 to 10-12-05 putting the Plaintiff in the infirmary for a court writ transfer of 10-24-05. The Plaintiff again experienced chest pains, ulcer pain, abdominal pain. see attached Exhibits B1 thru B4 Plaintiffs medical records. It is very clearly noted on Exhibit B2 that the Plaintiffs 'EKG abnormal' and yet IDOC still transferred Plaintiff in pain and danger of permanent injury or death..

Another attack occurred on 9-18-06 and 9-19-06 for a court writ transfer of 10-3-06 when again Plaintiff experienced severe chest pain, stomach pain, migraines, and bowel obstruction/pain, see attached Exhibits C1-C3 Plaintiffs medical records. Exhibit C3 shows the history of 'panic attacks' which were not effectively treated by the transferring facility and were ignored by Stateville Corr. Ctr..

As stated in the complaint the Plaintiff had suffered a perforated eardrum diagnosed on 4-9-07, see attached exhibits D1-D2 Plaintiffs medical records and when transferred to Stateville C.C. it was left untreated and was aggravated by the conditions there.

Plaintiff has real, justifiable fears, of harm from lack of the medical treatment by Stateville Corr. Ctr who routinely ignore writ guests medical needs.

Plaintiff has attached the affidavit of Deametreus Whatley, a witness to such mistreatment, attached as Exhibits E1-E2, where he had pneumonia untreated until he returned 9after 9 months) from Stateville Corr. Ctr, The affidavits of other witnesses in support of this claim are attached as Exhibits F1 and F2. And F3

The certainty of no medical care at Stateville C.C. and the inevitability of the Plaintiffs panic attacks makes the threat both immediate and real.

I. E. (Cont.)

Plaintiff has been diagnosed with 'Atypical chest pain and Pleurisy' See attached Exhibit G1 thm G5 as well as well as IBS, see attached Exhibit G6.

- F. The conditions described in Plaintiffs complaint clearly show the unconstitutional conditions of confinement that exist at the Stateville C.C. for writ guests.
- G. By Defendants actions the Plaintiff will continue to suffer extreme pain, mental suffering, and actual irrrprable injury by the aggravation of his ulcer, IBS, and chest pain with each incident amking the underlying condition worse. The Plaintiffs conditions are serious and can easily be prevented by the Defendants using alternative means to bringing the Plaintiff to and from court OR by using other acceptable and legal means to appear in court.
- H. Plaintiff has no immediate or speedy remedy at law for the above mentioned conduct of the Defendants, and this action for injunctive relief is Plaintiffs only means for securing relief to avoid the inevitable pain, suffering, and injrury caused by their actions or inactions. Wherefore Plaintiff requests that this court;
1. Issue a preliminary injunction pursuant to Fed Rules of Civ. Proc. 65 ordering Defendants, their employees, officers, agents, employees, employers, successors, attorneys, and all those in active concert with them to refrain from the activities listed in #'s 1-13 herein.
 2. Issue a permanent injunction perpetually enjoining the Defendants it officers, agents, employees, successors, attorneys, and all those in active concert and participation with them from the conduct listed in #'s 1-13 herein.
- I. The balance of hardships is in Plaintiffs favor as the Defendants have several alternative means to transporting the Plaintiff to and from court. Relevant suggestions/alternatives include;
1. Drive the Plaintiff to/from the court dates on the day of the court appearance. Danville C.C. is appx 2 hrs from the Plaintiffs counties he would need to appear in. Current policy would require the Plaintiff to take a 4 hr bus ride south in order to transfer to another bus to ride 4 hrs north then sit in a holding area for appx 6 hrs, wait for a minimum of 2 weeks to attend and return from court. The risk to Plaintiffs health is extremely high from the weeks of stress and pain versus a one day to/from trip.
 2. Illinois Statute 725 ILCS 5/106D-1 allows Plaintiff to appear by closed circuit television which Plaintiffs counties have the capability of. This would cost Defendants nothing and cause the Plaintiff no stress.
 3. Ill. Supreme Court Rule 185 allows for telephone appearances which all counties are capable of receiving and which would cost Defendants next to nothing and cause Plaintiff no stress.
 4. Circuit courts are reluctant to tell IDOC what to do but are willing to accomodate IDOC when requested and thus Defendants could request, and get approved, the video or telephone appearances so that Plaintiff could appear without risk to his health.
- J. Plaintiff attaches his affidavit in support of this Motion and hereby incorporates it, and all attached Exhibits, in substance and in fact.

MEMORANDUM OF LAW IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION

The Plaintiff is entitled to a preliminary injunction.

In determining whether a party is entitled to a preliminary injunction courts generally consider several factors;

- 1) Whether the party will suffer irreparable injury;
- 2) The balance of hardships between the parties;
- 3) The likelihood of success on the merits; and
- 4) The Public interest.

Each of these factors are present, enabling this court to grant this preliminary injunction.

A) Plaintiff is threatened with irreparable harm.

The various Defendants are fully aware of the policies of the IDOC for inmates that need to attend court in the northern Chicago suburbs. These inmates are known as 'writ guests'. It is certain that the Plaintiff and others will be held as writ guests at the Stateville Correctional Center in Joliet, IL (hereinafter 'Stateville').

Since court 'writs' (Writ of Habeas Corpus As Testificandum) are mandatory and are necessary to challenge the constitutionality of a sentence, judgment, or claim and it is IMPERITIVE that inmates do so without the threat of irreparable harm, coercion, intimidation, witness tampering, or misconduct by IDOC staff. All of which is verified by Fact by the Plaintiff in the complaint on file with the court and the Motion and Exhibits of which this memorandum supports.

The Plaintiff attempting this action once in the past with a suit settled and it was denied. Thereafter the Plaintiff was a 'writ guest' and was denied medical care for a perforated eardrum by Stateville staff who made fun of and deliberately caused more pain to Plaintiff. This caused the Plaintiff permanent hearing loss, irreparable harm. The complaint in this case details the claim and this Motion details the Plaintiffs other medical conditions as well.

The Plaintiff suffers from Anxiety attacks, bleeding ulcers, migraines, and IBS. All of which are much worse just by the mere thought of going to Stateville as a court writ. The fear is a valid one considering the Plaintiffs past experience of being in pain and the subsequent hearing loss. The chest pains have caused irregular EKG's (as noted in the motion and exhibits) and to risk the Plaintiffs DEATH is unacceptable. The bleeding ulcer, migraines, and IBS are also potentially life threatening conditions that get worse each time they occur and which cause irreparable harm both physically and mentally.

IDOC has been made aware of these conditions since at least 2002, see attached Exhibit H, and was made aware of Plaintiffs request for an alternative to being a 'writ guest' through the grievance process for which the Plaintiff has exhausted his remedies with no response. Plaintiffs previous case, Giampaolo v. Briley 05 C 6576, made them aware of the conditions and they have not improved. The particular harms detailed in the complaint, and motion for preliminary injunction, are clear violations of Plaintiffs constitutional rights against cruel and unusual punishment.

The complaint and Motion shows continuing deprivation of Plaintiffs, and other inmates, constitutional rights. The U.S. Supreme Court states that this in itself constitutes irreparable harm. Elrod v. Burns, 427 U.S. 347, 373; 96 S.Ct. 2673.

Briefly, in support of the claims in the complaint and the Motion for Preliminary injunction, the following is offered.

NO MEDICAL ATTENTION

Although this claim is very detailed in the complaint and the Motion for Preliminary injunction the serious medical conditions complained of have been determined by courts as serious enough to require medical attention.

Plaintiff is routinely and as a matter of course denied medical attention both before and during his stays as a writ guest at Stateville. These denials are so widespread and prevalent as to be 'custom or policy' of the administration and staff. Plaintiff and his witnesses have observed it occur to themselves and other writ guests.

Plaintiff was diagnosed, and denied treatment for by Stateville, with chronic ulcer, arthritis, IBS, migraines, and anxiety disorder causing chest pains, diarrhea, and abdominal pain. All serious medical needs. Westlake v. Lucas 537 F 2d 857; Massey v. Hutto, 545 F 2d 45.

The requests for medical care were reasonable, simple, and repeated to many medical technicians and correctional officers. The denials caused undue suffering and irreparable harm. As in Westlake a prisoner who is allowed to suffer pain when relief is readily available has a cause of action against those who are deliberately indifferent.

In Plaintiff's circumstances this harm exists both BEFORE the writ transfer and during the stay at Stateville. The cell conditions at Stateville described in the complaint as well as the denial of medical treatment make it certain that Plaintiff will suffer severe pain and irreparable harm.

A serious medical need for purposes of establishing 8th Amendment cruel and unusual punishment claim, is one that has been diagnosed by a physician as mandating treatment. Versa v. Elyea 113 F2d 1211 (ND Ill 2000); Jones v. Natesha 151 F 2d 938 (7th Cir 2001).

The denials and delays by prison officials, doctors, and officers of the prescribed medication and for an environment that would not cause the Plaintiff harm have caused the Plaintiff unnecessary and wanton infliction of pain violating his 8th amendment rights. Estelle v. Gamble 429 U.S. 97, 106; Christy v. Robinson 216 F Supp 2d 398; Chance v. Armstrong 143 F 3d 698.

CELL CONDITIONS

The conditions of the cells have and will cause the Plaintiff undue and unnecessary harm, pain, and suffering.

The cells in Stateville's F-House that contain writ guests are filthy and unsanitary. The mattresses are stained with urine, feces, are moldy, and the cell is infested with roaches and visited by mice. The linens are not changed and the laundry service is unavailable. These very issues against Menard C.C were addressed in Lightfoot v. Walker, 486 F Supp 504;

"The mattresses are dirty, torn, badly stained, linen is old and filthy and infrequently changed. The sanitation of beds and linen is grossly deficient and incompatible with the department's own regulations. The unclean bedding creates an increased risk of infection for inmates in the segregation unit. Bacteria can grow in such bedding."

The IDOC has not learned from the lawsuits filed about such conditions. The lack of cleaning supplies exasperated these conditions and by itself is an 8th amendment claim as in Johnson v. Pelker 891 F 2d 136,139 (7th Cir. 1989).

The excessive noise causing pain suffering and sleep deprivation and violates Plaintiff's constitutional right against cruel and unusual punishment. The noise is constant day and night caused by the inmates yelling...

Cell Conditions (Cont.)

...banging on the cell doors, and officers banging on the doors to make inmates move during the many count times. The 7th circuit concluded in Antonelli v. Sheahan, 831 F 3d 422 that 'noise occurred every night, often all night, interrupting or preventing his sleep' which stated a claim under the 8th amendment.

The small cell sizes and double occupancy is an 8th amendment violations as it causes stress, violence, and mental anguish. All cases on this subject and the standard of denying the recommended 55 sq ft per inmate were cases that inmates had a 'dayroom' and were not in their cells more than 10 hrs per day. OR cases of segregation inmates that were, for legitimate penological reasons, were being punished for their prison behavior. Cell sizes and double celling is unconstitutional where, as detailed in the complaint, it engenders violence, tension, and psychological problems. French v. Owens 777 F 2d 305.

Overcrowding causing extremely limited time out of cell and courts need to factor in the cell size, opportunities to leave the cell, duration of confinement. Wellman v. Faulkner 715 F 2d 269 (8th Cir 1983)

The fact that inmate writ guests get no books, magazines, radios, TV's or anything to distract the SOLITARY confinement clearly engender the psychological stress that Stateville does not even subject their own segregation inmates too, Denying the Plaintiff an easy, quicker, less expensive alternative to appear for court serves no legitimate penological interest. The totality of these conditions further shows the danger to the Plaintiffs health and safety and thus it is deliberate.

NEED FOR COURT SUPERVISION

As previously stated and shown in the complaint and Motion and herein IDOC has not corrected these conditions in its prisons despite being sued and it is still their policy the writ guests such as the Plaintiff are held in these conditions described in the complaint when attending court in the northern Chicago suburbs.

The need for court supervision is one of the ingredients in the courts discretionary formula for determining whether to issue a preliminary injunction. Zurn Constructors Inc. v. B.F. Goodrich Co 685 F Supp 1172.

THIS court has previously enjoined Stateville C. C. from violating inmates constitutional rights AND for violating state laws which constitutes irreparable harm and shows continuing conduct. Williams v. Lane 644 F Supp 1379 (ND Ill, concerning Stateville)

A series of incidents closely related, such as described by the Plaintiff and the history of litigation mentioned herein, may disclose a pattern of conduct amounting to deliberate indifference to the medical and constitutional rights of Plaintiffs and in those circumstances the suffering is INEVITABLE and the court should not hesitate to use its injunctive powers in those incidents. Lightfoot v. Walker 486 F Supp 504.

A pattern of similar instances presumptively indicates that prison administrators have, through their programs and procedures, created an environment in which negligence is unacceptably likely. This court so ruled in Robert E. v. Lane 530 F Supp 930,940 (7th Cir 1981), AGAIN against Stateville C.C.

An Injunctive movant must provide proof indicating that harm is certain to occur in the future. Housing Study Group v. Kemp 486 F Supp 321.

IT IS A CERTAINTY that due to IDOC policy that Plaintiff will be held as a writ guest in deplorable conditions at Stateville C.C..

IT IS A CERTAINTY that based upon the history of these conditions from 2002 to present, as presented in Exhibit H and previous suit 05 C 6575 that it is INEVITABLE these conditions will persist and endanger the Plaintiff.

Need For Court Supervision(Cont.)

The defendants past and present misconduct indicates a strong likelihood of future violations. Green v. McCall 822 F 2d 284. Plaintiff has sufficiently alleged with affidavits and exhibits that the misconduct, and Plaintiffs MEDICAL CONDITION, has existed for years and will cause the Plaintiff harm.

If injunction is denied, IT IS A CERTAINTY that the Plaintiff will be brought to Stateville for his court writs in the Northern Chicago suburbs and it is even MORE certain that the conditions of confinement will be the same as they have been for over 6 years. The coercive effects and stress anticipating the torture Plaintiffs experienced in the past are unavoidable as long as the Plaintiff is subjected to the Defendants policies. No adequate remedy of law exists where there is evidence that the Plaintiff will be subjected to constant and frequent transgression of a continuing nature. Hamer Holding Group Inc v. Elmore 202 Ill App 3d 994; 560 NE 2d 907. Plaintiff has demonstrated the certainty of a recurrence of unlawful conduct, threats, denial of medical needs, and stressful procedures. Adams Apple Dist Co v. Zagel 501 NE 2d 302.

ONE DOES NOT have to await the continuation or consummation of threatened injury to obtain preventative relief. Pennsylvania v. West Virginia, 262 US 553,593; 43 US S.Ct 658. As stated the continuing deprivation of Constitutional rights constitutes irreparable harm. Elrod v. Burns, Id and the principle has been applied to prison litigation. Williams v Lane 646 F Supp 1379 (ND Ill affirmed by 7th Circ)

B. THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFFS

In deciding whether to grant preliminary injunction courts ask whether the suffering of the moving party, if the motion is denied, will outweigh the suffering of the non-moving party if the motion is granted. See Mitchell v. Cuomo 748 F 2d 804,808.

In case at bar the suffering of the Plaintiff, and the suffering in the future based upon repetitious acts of willful and wanton misconduct of the Defendants is the important factor. The purpose of the complaint, and the Motion for the Injunction, centers around the many factors that Plaintiff suffers as a result of being a writ guest at the Stateville Corr. Ctr and the unconstitutionally cruel and unusual punishment that are worse than those used to punish segregation inmates.

Indicative of the Defendants past actions it would serve no interest to the court, or the parties, for them to continue such criminal conduct, neglect of medical needs, or other egregious acts described herein and in the pleadings of record in this case.

Plaintiff has a right to expect prison officials to follow its policies and regulations which is something they refuse to do, as it is common practice by IDOC to ignore their own rules. Caldwell v. Miller 790 F 2d 589 (7th cir 1986).

The purpose of the injunction is to restrain the Defendants, their agents, employees, representatives, and those in active concert and participation with them from subjecting the Plaintiff to the conditions described in the complaint when Plaintiff need to appear in court. All of which, as public officials, they are to refrain from in the first place.

As presented in the Motion for the injunction there are 3 reasonable, less expensive, and easily implemented solutions to forcing the Plaintiff to being transferred to Stateville to attend court. The Hardship to the Plaintiff if no injunction is granted is his FUTURE health and quite possibly his life as the heart condition, ulcer, and IBS can all be deadly in stressful situations such as writ transfers.

B. Balance of Hardship (Cont.)

...Essentially this preliminary injunction will protect the Plaintiff but will also protect the Defendants from their own selves and protect both from further damages and injuries as occurred to the Plaintiff in his permanent hearing loss due to Defendants deliberate indifference.

C. THE PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS

The likelihood of the success on the merits is strong evidence an injunction should issue. Adams v. A.R.D.C. of the Supreme Court of Illinois 801 F 2d 968 *7th Cir 1986)

Such a showing of success in the merits is a low threshold. Brunswick Corp v. Jones 784 F 2d 271 (7th Cir 1986). In fact a preliminary injunction should be granted even if the Plaintiff has less than a 50% chance of winning. C.B. Fleet Co Inc v Complete Packaging Corp 739 F Supp 392.

As most of the facts in the complaint and motion are identical or worse than those stated in cases concerning Stateville this is indicative of the likelihood of success.

Prison inmates are NOT to be subjected to retaliation or medical neglect for pursuing their legal claims. Arney v. Hayden 788 F supp 494.

The proof by the complaint, Exhibits, and affidavits of the criminal conduct of IDOC and the Defendants herein is also an indication of the probable success of this claim and clearly shows the merits of this case.

D. RELIEF SOUGHT WILL SERVE THE PUBLIC INTEREST

In this Motion and complaint of which it relates, the grant of relief will serve the public interest because it is always in the public interest for prison officials to obey the law.

"Respect for the law, particularly by officials responsible for the Administration of the States correctional system, is in itself a matter of the highest public interest." Duran v. Anaya 642 F Supp 510 at 527

"The constitution is the ultimate expression of the public interest." Llewelyn v. Oakland Co Pros. Office 402 F Supp 1379,1393

The tax payers of Illinois have a particular right to maintain their interest in the actions and inactions of prison officials.

ARGUMENT II

The Plaintiff should not be required to post security.

Usually the litigents who obtains the interim injunctive relief is asked to post security. Fed R.Civ. P. Rule 65(c). However the Plaintiff is a indigent prisoner and is completely unable to post security. Orantes-Hernandez v. Smith 541 F Supp 351,385; J.L. v Parham 412 F Supp 112,140; 442 US 584,99 S.Ct. 2493. In view of the actions by state government officials, the court should grant the relief requested without requiring the posting of security. The relief requested is simple and the cost to the Defendants, if any, is minimal as easy alternative exists if they are motivated to use them to prevent the Plaintiff serious harm.


CONCLUSION

Wherefore, Plaintiff prays this Honorable court will grant the relief requested in the Motion for Injunctive Relief and the Plaintiff prays that an order be made temporarily enjoining Defendants as suggested in the Motion and memorandume during the pendency of the Civil Rights action AND for

CONCLUSION (Cont.)

...any other and such further relief as the court deems fit and proper.

Respectfully Submitted,


Dominick Giampaolo
Plaintiff, Pro-se
Reg. No R04860
Danville Corr. Ctr
3820 East Main
Danville, IL 61834

CERTIFICATE OF SERVICE

I, Dominick Giampaolo, pro-se, hereby certify that the proper number of the foregoing pleading has been mailed to the Clerk of the Court and the parties named of record, by enclosing copies in the U.S. mail with first class postage prepaid at the Danville C.C. located in Danville IL on the 3rd day of September, 2008. This certificate is made under penalty of perjury pursuant to 28 USC §1746 and 18 USC §1621.

Signed this 3rd day of September, 2008.


Dominick Giampaolo

VERIFICATION

I, Dominick Giampaolo, pro-se, hereby certify and state under oath and penalty of perjury that the statements contained herein this Memorandum of law and Motion for Preliminary Injunction, are true and correct to the best of my knowledge and belief and that the exhibits attached hereto are what they are purported to be and that the information contained therein is true and correct to the best of my knowledge and belief. This certificate is made pursuant to 28 USC §1746 and 18 USC §1621. Signed this 3rd day of September, 2008.


Dominick Giampaolo

AFFIDAVIT OF DOMINICK GIAMPAOLO

I, Dominick Giampaolo, having personal knowledge of the following state;

That the medical record attached to this Motion for Preliminary injunction are my medical records as recorded by various doctors and nurse both from IDOC and the outside hospitals.

That I suffer from sever anxiety attacks when i learn that I have to attend a court writ at the Stateville Corr Ctr due to anticipating the lack of medical attention I always expereince while there. The visit of April 2007 was particularly memorable as I arrived with a ruptured ear drum, asked for medical treatment, was ignored, had officers and staff mock and harrass me making loud screeching noises to cause my ear more pain, and subsequently lost hearing in that ear.


The small cramped cells, double occupied, the roaches, moldy mattresses, excessive noise, sleep deprivation, mice, lack of cleaning supplies, lack of legal library access, threats by officers who knoe I have sued them in the past, lack of distrctions from the solitary-like confinement, and other conditions, especially lack of medical treatment and prescription drugs, cause me severe stress.

This stress causes migraines, ulcer pain, IBS pain, weight loss, and chest pains. The anxiety attacks leave me almost breathless and have caused my EKG readings to be abnormal due to what was diagnosed as 'left ventricular hypertrophy' and 'pluerisy' which I understand is akin to Angina..

The court dates I will need to attend in the near future will, by IDOC policy, force me to be placed in Stateville C.C. where the conditions have not changed in the over 6 years I have been attending court.

The Motion of which this is attached is made in good faith and in the hopes it will prevent me future harm and prevent the real risk of death or further permanent injury. This affidavit made under penalty of perjury pursuant to 28 USC 1746 and 18 USC 1621 this 3rd day of September, 2008.

Sincerely,


Dominick Giampaolo
R04860
Danville Corr. Ctr
3820 East Main
Danville, Ill. 61834

Progress Notes

GIAMPAOLO,
DOMINICK R04860

Last Name	First Name	MI	ID#
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Date/Time	Subjective, Objective, Assessment	Plans
11-5-04 9:25 PM	LPN Note - Rec'd call from Seg - Inmate % chest pain for about 3 hrs - then tell Seg % about this -	① Have Bottle of "Mallory" - 30 cc FID + before bed - Explained that the heart burn was causing him to have a panic attack. He admitted he did get more upset when he felt the heartburn, & started to get anxious.
	② I have this hurting in the middle of my chest - It hurts when I try to take a deep breathe - It feels like a ball or something -	In Strained to stay up for @ least an hour after eating.
	③ No sign of distress noted - color WNL - Skin w/o - 128/70 - 80-22-98 ³	N. Mahoffy for
	Inmate has history of PUB FBS, Scoliosis, & anxiety attacks.	
	④ heartburn	
11/8/04 12:45 PM	Nurse note Scheduled for Gen Med. Clinic for PUB at 1:30 to be completed prior to 11/27/04 - Physician in	

11/11
CW

Transferring Facility:

W100CC

Center

Offender Information:

Giampolo

DOMINICK

ID#:

R048600

Date: 11.12.04

Time: 2:30

☐ a.m. ☒ p.m.

Transfer Screening (completed by transferring facility health care staff):

Allergies: Food and Cereals / Gluten Food Handler Approved: _____

Urgent / Acute Conditions / Problems:

Chronic Conditions / Problems:

Current Medications (name, dosage, frequency, and duration):

Acute Short-term:

Chronic Long-term:

Chronic Psychotropic:

Current Treatments:

Therapeutic Diets:

Follow-Up Care: MD visit

Chronic Clinics:

Specialty Referrals:

Significant Medical History:

Physical Disabilities / Limitations:

Relative Devices / Prosthetics:

Mental Health Issues:

☐ Hx Suicide Attempt Date: _____

☐ Hx Psych Med

☐ Hx MPC / STC

Substance Abuse:

☐ Alcohol ☐ Drugs

R & C Use Only:

☐ LAB

☐ EKG

☐ CXR

☐ Dental

☐ MEDS

☐ MH

☐ Other: _____

☐ Packet Complete

Miller, PN
Print Name and Title

Dominick, PN
Signature

11.12.04
Date

Reception Screening (completed by receiving facility health care staff):

Facility:

Active:

Current Complaint:

Current Medications / Treatment:

Objective:

Physical Appearance / Behavior:

Delinquency: Acute/Chronic:

T:

P:

R:

B/P:

Date:

Time:

☐ a.m.
☒ p.m.

Assessment:

Plan / Disposition:

☒ Health Information Given

☐ Emergency Referral:

☐ Sick Call: Urgent / Routine

☐ Medication Evaluation

☐ Therapeutic Diet

☐ Special Housing

☐ Chronic Clinics

☐ Work / Program Limitation

☐ Specialty Referrals

☐ Other (specify): _____

☐ Infirmary Placement:

☐ Other (specify): _____

Cheryl H. Cullen msf
Printed Name and Title

C. Cullen msf
Signature

11.17.04
Date

For adult transition center transfers only:

I understand that medical and dental care are my responsibility while I am housed in a transition center. I also understand that if I am in need of health care and I cannot afford to pay for it, I may be transferred back into a facility within the Department that can provide my medical, mental health, or dental needs.

Offender's Signature

Date

Time

☐ a.m. ☐ p.m.

EXHIBIT B-1

Offender Outpatient Progress Notes

Offender Information:

GIAMPAOLO
Last Name

Dominick
First Name

ID#: R04860

M

Date/Time	Subjective, Objective, Assessment	Plans
10-8-05 9 ³⁰ p	Lpn Note: Health Status Completed. Ambio Apn.	
10/11/05 0930	RN Note: S. sitting on O.R. wing talking w/ other staff. Ch @ chest discomfort x 48° "8" et @ arm discomfort x 48° "8" D - pulse +10 VS - 142/92 @ 142/90 T - 98° P 100 R @ Biot O sat 96% RA Bil Imp Clear & Cough. Ch remains x 3 gm weight 24°. Denies black berry stains denies blood in vomit skin w/o rash. Last PM 10-11-05 - Pulsed + Strong. Auscultation A - auscultation complete	P. ① return to E.R. for w/other staff. ② Dr. S. Smith notified. ③ medley 3cc no et GID PO PRN x 3 day. ④ CR @ 2d Rel NC ⑤ Stat - EKG
		Symptoms resolved

ILLINOIS DEPARTMENT OF CORRECTIONS

EXHIBIT B-2

Hill Correctional Center

Offender Outpatient Progress Notes

Offender Information:

Siampado
Last NameDomenech
First NameMI
ID#: R04860

Date/Time	Subjective, Objective, Assessment	Plans
10/11/05	RW Note	P-Dr. Sumbria @ 6:00 PM
0945	S. as good a little better.	Need return reg-
	O-VS-98 R-18 120/80	② Give another 30cc
	O Sat 100% R.F. Remove	size of muscle nod.
	O. Cog. (unreliable)	③ Dr. Sumbria. Review
	<3 Sec. Alert & oriented	Stat EKG abnormal
	XII skin w/o. Denies	7 PVC's.
	HW loss. BS active	④ I'm placed in seclusion
	XIV quad. 1 add distention	for 230 observation
	pulling + heavy I'm	pending CBC, emp
	Wegon I'm to go out on wheels.	
	Could wait on 10/12/05.	⑤ CBC, emp @ Ac 3
	"He don't want to go to	dep.
	stateville! they want take	
	care of me! he don't have	
	to appear in court. He	
	on the paper work!"	
	Tom appears to be more	
	concerned about his transfer	
	than his current	
	condition.	

ILLINOIS DEPARTMENT OF CORRECTIONS

EXHIBIT B-3

Hill Correctional Center

Offender Outpatient Progress Notes

Offender Information:

Giampolo
Last NameDominick
First Name

MI

ID#: R04860

Date/Time	Subjective, Objective, Assessment	Plans
10/11/08 1615 PM	MSD S) Pt says DCP alcoholized & 1x N/BSL He reports gets episodes of similar CP & stress dating back to 1998 & negative ECG then before in prison. Had negative ER visit on 8/98 & Dxo of planning the wants to feel about how induced transport to the courts for his visit but not decided whether he wants to go or not. He will VE his proper authorities for that type of matters say IBS active & for but no interest BMS 2) Lung - clear chest wall not ab - left ribs & ulna or quad VSS mild to moderate EKG - WNL to two pole (normal for him) CBC - WNL A) D Resolved CP 2 Anxiety 2 to pending court appearance 3) IBS	P) 1) Rev/EKG, CBC, BMP in Am 2) Hemmo cult all stat & nurse V6 v obs to 3) D/C Tagamet 4) ↑ Pulsec to 20mg BID 5) Set up cardio exercise stress test 6) Pt to discuss his visit issues with proper authorities 7) Advance diet to full liquid distribution noted R. Perry R 11/08

Hill Correctional Center

EXHIBIT B-4

Offender Outpatient Progress Notes

Offender Information:

Hampeala
Last NameDominick
First NameMI ID#: R04860

Date/Time	Subjective, Objective, Assessment	Plans
10/12/05	RW note	
3215 th	Blood draw for RBC 8 RBCs for BMP and CBC. sent to Lab Corp. count down	WKY12803655
10/12/05	BW Note:	① pending lab.
0745	S. as was lifting my mattress yesterday at my property but as I think we may of bruised my muscle. ② RBC as noted.	
	③ Chest wall "8" 1-10 Scale.	
	④ VS 98 ² -82-20 138/72	
	⑤ Sato 98% R.A. Denied	
	SOB, skin w/o, pale, alert	
	⑥ denied XTT Bil ting cl. d	
	Cough - abd soft, BS active	
	XTT quads. kept from 10/10/05	
	Denied NIV, loose, phlegm	
	black, large stools.	
A-	Stable, attentional, comfort	S. unimpaired

ILLINOIS DEPARTMENT OF CORRECTIONS

EXHIBIT C-1

Hill Correctional Center

Offender Outpatient Progress Notes

Offender Information:

Gonzalez

Dominguez

ID#:

PO4661

MEDICAL PROGRESS NOTES

Date:

INMATE NAME:

INMATE IDOC#

LOCATION

DATE

TIME

S:

O:

A:

DC710-1195 (EFF 07-98)
IL426-21868

M.D. VISIT

WT

160 lb

B/P

132/88

T

98.4

P

68

R

18

Chest pain/burn
rad. to Maxilla worse
c insp.

Pain level 500, Inmate states
9:18 AM that he has a bad pain
1820 Since 9 AM, continuous.
A patient at time of burning
sensation in mid-thoracic
area - 3/4 (h) ventricular hypertrophy

Distribution: Offender's Medical Record

DOC 0084 (Eff. 9/2002)
(Replaces DC 7147)

ILLINOIS DEPARTMENT OF CORRECTIONS

EXHIBIT C-2

Hill Correctional Center

Offender Outpatient Progress Notes

Offender Information: Diwan Boon MI ID#: 608

[illegible]

Distribution: Offender's Medical Record

DOC 0084 (Eff. 9/2002)
(Replaces DC 7147)

EXHIBIT C-3

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Health Status Transfer SummaryCW 1
9/20/06

Transferring Facility:

Center

Offender Information:

Champaign

Dominick

R04860
ID#

Date: 9.19.06

Time: 745

☒ a.m. ☐ p.m.Transfer Screening (completed by transferring facility health care staff): ☐ HIV Test & Counseling Offered (only transfers to ATC, parole, release or discharge)Allergies: Fish Food Handler Approved: ☒

Current / Acute Conditions / Problems: 9/18/06 No @ CP

Chronic Conditions / Problems: Stomach pain currently seeing Psych

Current Medications (name, dosage, frequency, and duration):

Acute Short-term: Tylenol 1 PRN

Chronic Long-term: ☐Chronic Psychotropic: ☐Current Treatments: ☐

Therapeutic Diets: Gen

Follow-Up Care: Routine

Chronic Clinics: ☐Specialty Referrals: ☐

Significant Medical History: @ knee arthroscopy, S/R PUD, IBS, Hx back pain, Hx panic attacks

Physical Disabilities / Limitations: ☐

Assistive Devices / Prosthetics: @ knee brace thru 10-17-06

☒ Glasses ☐ DenturesMental Health Issues: ☐ Hx Suicide Attempt: Date: / / ☐ Hx Psych Med ☐ Hx MPC / STC Substance Abuse: ☒ Alcohol ☐ Drugs

Kiersty Corbett

Print Name and Title

Kiersty Corbett

Signature

9.19.06

Date

Reception Screening (completed by receiving facility health care staff):

Facility: STP

Date: 9.26.06

Time: 9

☐ a.m.
☒ p.m.Subjective: ☒

Assessment: F-H112

Current Complaint: ☒Current Medications/Treatment: ☒

Objective:

Physical Appearance/Behavior: Open wounds
@ Vashees @ Vashees

Deformities: Acute/Chronic:

T: 45 P: 64 R: 16 B/R: 157 112

Plan/Disposition:

☐ Health Information Given☐ Emergency Referral:☒ Sick Call: Urgent/Routine☐ Medication Evaluation☐ Therapeutic Diet☐ Special Housing☐ Chronic Clinics☐ Work / Program Limitation☐ Specialty Referrals☐ Other (specify):☐ Infirmity Placement:☐ HIV Test & Counseling Offered (only transfers from RAC)☐ Other (specify):

PS JCN

Print Name and Title

PS

Signature

9.26.06

Date

For Adult Transition Center transfers only:

I understand that medical and dental care are my responsibility while I am housed in a transition center. I also understand that if I am in need of health care and I cannot afford pay for it, I may be transferred back into a facility within the Department that can provide my medical, mental health, or dental needs.

Offender's Signature

Date

Time

☐ a.m. ☐ p.m.Distribution: Offender's Medical Record; Transferring Facility;
Receiving Facility

DOC 0080 (Rev. 1/2008)

Pinckneyville Correctional Center

Offender Information:

Giampadlo

Dominick

ID#: R04860

Treatment Protocol:
Earache/Ear Wax Impaction

Date/Time	Subjective, Objective, Assessment	Plans
4-9-07	S. Duration: 4 days	MD Referral (circled) if redness with fever over 101, (acute pain) drainage with swelling, hearing
9:30 AM	Ear: (R) some pain (L) worse	Loss, inability to visualize TM, neck node enlargement/pain or symptoms that fail to
	Have you recently had a cold, cough, fever or sore throat? Y/N	Respond to treatment protocol.
	Pain? (Y/N) If yes, describe (1-10)	NO MD Referral: (check as applicable) Earache:
	Most severe: (5)	1. Tylenol 2 tabs every 4-6 hrs PRN (issue 10)
*Non-smoker	Drainage noted: Y/N Hearing Loss: Y/N Clicking when swallowing	Earwax: 1. Ear wax treatment drops (for excess ear wax)
	Have you put anything in your ear? Y/N If yes, what? Q-tip	Use as directed, (Debrox) instill 5-10 drops to affected ear canal 2x a day x 7 days.
	Past history of earaches, ear infections or ear surgery: Y/N @ Surgery	2. Assess \$2.00 co-pay. (Yes) No
		Patient Teaching: (check as applicable)
	O. 96 P 72 R 16	1. Do not put anything in your ears.
	BP 110/60 WT 142	2. Medication use.
	Assess ear, nose throat for swelling, drainage or redness. (R) ear TM slightly swollen	3. Proper ear cover (hat in winter or windy weather)
	Describe: (L) ear TM swollen & redness noted to canal. (R) normal	4. FU sick call 48 hours if symptoms persist or worsen.
	Color TM: (R) pearly (L) dull Perforation Visualized: Y/N	
	Cervical node enlargement or pain? Y/N Test hearing: Diminished Y/N R/L	
A.	Alt in comfort	Nurse Signature: E. Herberle

Offender Outpatient Progress Notes

Center

Offender Information:

Giampaulo Dominick

Last Name

First Name

MI

ID#: 204860

Date/Time	Subjective, Objective, Assessment	Plans
4/9/07	mt. note.	
1200	s To discomfort @	p 2 pm @ knee
	1 km	
	from @ knee	
	to exp	
	to effusion	
	N. Centralgia	
	s 9. @ ear hearing	p 10 am
	- 1/2 prior infection	
	@ knee	
	o Ear - perforated	
	@ TM.	
	- to inflame	
	- to 7/1	

Distribution: Offender's Medical Record

A Perforated @ TM

Printed on Recycled Paper

[Signature]

DOC 0084 (Rev. 9/2002)
(Replaces DC 7147)

AFFIDAVIT

EXHIBIT E-1

I, Demeatreas Whatley, affirm and state that I have personal knowledge of the following and that what is stated herein is true and correct to the best of my knowledge and belief;

From November of 2007 to July of 2008 I was a 'writ guest' at the Stateville Corr. Ctr. in Joliet, IL. My stay there was in F-House and in deplorable conditions. Previously, the conditions were the same.

On arrival I was subjected to a very humiliating body cavity search in front of about 80 other inmates. Officers not trained in medical knowledge and with no medical persons present ask inmates to strip, open mouths, spread buttocks, and other invasive procedures.

After the search I was sent to F-House which is a 4 tier panaoptigon containing about 200 double occupied cells. The cells are appx 40 sq. ft with less than 10 sq ft of living space for 2 inmates. I was not allowed to bring books, electronics, pens, paper, sweat clothes, or envelopes. In the summer the cells got very hot, over 100°F and writ guests get no fans. The segregation inmates housed in the same F-House get their fans, radios, TV's, books, sweat clothes, electronics, and can order commissary.

Cleaning supplies are not given and the cells are dirty and infested with roaches and mice. The noise level in F-House is very loud and often deafening in its volume making uninterrupted sleep impossible. New or replacement uniforms are very rarely given and laundry service is at best unreliable. I was only allowed as much yard time as the segregation inmates and less shower opportunities than seg. inmates. Other than the 5 hrs of yard once per week I was locked in my cell 24 hrs per day. In the winter months it got extremely cold and without sweats the single blanket given was inadequate to protect from the cold.

Wearing used and dirty shoes (given by staff) is the policy when going to court and it is unhealthy and unsanitary. I complained to the staff about having chest pains and was told by medical technician Semour (sp) to stop exercising and drink water. I came back to Danville and was told I had pneumonia, (See attached copy of medical record).

In order to challenge my case I must attend court and each time will be subjected to these conditions which have persisted at Stateville for many years. Once I arrived I had court continuances and was forced to stat. These were NOT temporary conditions as I was there 9 months which is longer than most of the segregation inmates in that same housing unit who are being punished for serious rules violations such as stabbing inmates or officers.

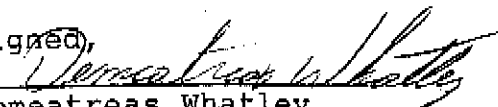
The conditions caused me mental anguish, stress, physical discomfort and pain, and pneumonia. I have talked to many inmates who have given up their court challenges to their cases just to get out of or avoid those conditions at Stateville.

I understand that this affidavit may be used in a possible class action suit and make it of my own free will.

This affidavit made under penalty of perjury pursuant to 28 USC §1746 and 18 USC §1621.

Dated: 9-1-08

Signed,


Demeatreas Whatley
B31316

Danville Corr. Ctr
3820 East Main
Danville, IL. 61834

EXHIBIT E-2

BLOOMINGTON RADIOLOGY, S.C.
2200 Fort Jesse Road, Suite 280
Normal, IL 61761
309-452-1788

April 23, 2007

Patient Name: Whatley, Demetreas
Patient #: B31316
DOB: 1/23/72
Dr. Ameji
Danville Correctional Center

CHEST - ONE VIEW 4/20/07

INDICATION: cough.

FINDINGS: There is infiltrate in the left upper lobe indicating pneumonia. The remainder of the lungs are clear. Heart is normal.

IMPRESSION: Left upper lobe pneumonia.

Signed

Chung H. Lee, M.D.

CHL:eg
DIC: 4/23/07

Films from Danville Correctional Center

4/24/07

Key to Sony Lab
T15 X16

DANVILLE CORRECTIONAL CENTER	
MD REVIEWED	401
SCHEDULE AND OR FILE	
SIGNATURE	[Signature]
DATE	4/24/07

AFFIDAVIT

I, Philip McDowell, the undersigned affiant, certify and state that I have read the following affidavit and certify under oath and under penalty of perjury that the following is true and correct;

That I am an inmate in the Illinois department of Corrections and I have been challenging my criminal convictions in post-trial proceedings in which I am pro-se.

When I have court dates I am transferred as a 'writ guest' from the Danville Corr Ctr to the Stateville Corr. Ct in Joliet, IL for a minimum of 2 weeks. I was there on writs in October '06 for 2 weeks; April 18-May 16 (28 days) 2007; May 30-June 14, 2007; July 15 to Sept 9, 2007 (7weeks); October 24 to November 7, 2007; January 2 to 16th, 2008; February 20 to March 5, 2008; and April 30 to May 14, 2008.

Each time I go on a writ to Stateville I am strip searched in front of about 80 inmates on a filthy floor then left in that room, or another nearby, for hours before going to a cell. Some of these writs I was placed in 'NRC' and some in 'F-House' and in neither place did I receive any of the privileges of a general population inmate. I have been deprived any day room time, clean mattresses, a pillow, cleaning supplies for the cell, regular laundry service, uses of the law library, access to legal personnel, a fan even when temperatures are above 90°F and I am on the 3rd or 4th tier of non-air conditioned buildings, use of a phone, and have not been allowed most of my property including books, magazines, electronics, commissary food, and even my legal papers.

In January of 2008 because of the problem of getting my legal papers I have been forced to spend more time in these deplorable conditions and forced to continue my actual innocence claim. I obtained a court order from Cook County Judge Colleen McSweeney Moore and despite this on May 2, 2008 when I had court Officer Bowling (badge No. 4882) of Stateville C.C. refused to allow materials I needed for my pro-se court proceeding forcing another delay. These above conditions and behaviors of the Stateville officers occurs in an open and recurrent manner and is easily observed by their superiors and condoned by their inaction despite numerous complaints. When I complain of these conditions to officers I am often threatened with segregation.

During my stay in F-House on May 2, 2008 I observed that an inmate had been killed by his cellie in cell 461, The Day before on May 1, 2008 there was another inmate killed by his cellie in cell 302. In cell 222 there was a suicide and on May 7, 2008 in 'NRC' another suicide. This is due to Stateville mixing inmates of all different races, backgrounds, and security levels together with no regard to their health and safety.

I am forced on these writs and these unsafe conditions begin with the bus rides where I am chained to up to 40 other inmates and placed in a bus with no seatbelts. Then to be randomly placed with inmates that may be crazy, have a history of violent cellie assaults, or who may take out their anger at the 'writ guest' conditions on their cellies is against IDOC's own rules and is unnecessary and absurd.

I have talked to many inmates who have given up on their post-conviction proceedings because they can't stand the conditions and punishment of Stateville's writ guest system.

The mattresses in F-House are stained with feces, urines, infested with bugs, and have huge rips in them. When I ask for a new one I am threatened with segregation. The cells have roaches and mice and during the summer the temperatures get over 100°F.

I have suffered sleep deprivation while in 'NRC' with no more than 2-3 hrs of uninterrupted sleep due to officers waking up inmates during count even when inmates are in plain view and due to 2am breakfasts and 9am lunches. In F-House the noise level is unbearable and not conducive to

sleep. The bars are metal or doors of steel. Officers and inmates yell across the appx. 30 yd open area in the panopticon 4 tier F-House. The noise level goes unchecked by the officers and makes sleep near impossible. This affects my ability to represent myself in court and is literally 'torture' by Geneva convention standards.

To be deprived privileges when I have violated no IDOC rules is just one form of coercion to inmates who want to challenge their cases. I have observed the inmates in F-House segregation receive many of the privileges that the 'writ guests' have been denied. I was even placed in a seg cell in F-House, No. 144, from May 20 to June 14th 2007 and my cellie had more property than I had been allowed to bring. The inmates in Stateville segregation are some of the most violent in IDOC and many have stabbed or killed officers or other inmates yet after a short time in seg. they get their TV's with cable, they get their fans, books, envelopes, law library access, envelopes, commissary items, laundry, more showers, and better medical attention.

I have observed that Stateville has the supplies and resources to provide the 'writ guests' all the items given their general population inmates or to allow them to bring property items from their regular institution but they actively choose to not do so. The conditions are deplorable, unsafe, dangerous, and unnecessary. They have caused inmates death and will continue to do so in the future.

This affidavit is made of my own free will and I understand that it may help in a possible class action suit of which I am willing to be a part of and participate in.

I further sayeth not.

This affidavit being made under penalty of perjury this 5th day of June, 2008, pursuant to 28 USC 1746 and 18 USC 1621 to the best of my knowledge and belief.

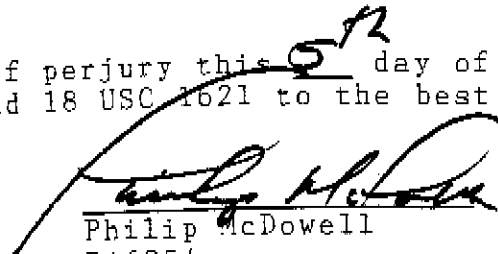

Philip McDowell
B46854

EXHIBIT F-2

AFFIDAVIT

I, JAMES E. BLACK, affirm and declare under penalty of perjury pursuant to 28 USC 1746 and 18 USC 1621 the following to be true and correct to the best of my knowledge and belief;

On or about the months of March and May of 2007 I was sent to the Stateville Correctional Ctr in Joliet, IL to attend court sates I had in criminal court. While at Stateville as a 'writ guest' I was subjected to very public body cavity searches in front of about 80 other inmates which were done in a humiliating and degrading manner.

After this initial reception I was placed in segregation like conditions with other writ guests where I was unable to use the phone, shower, buy cosmetics, get clean clothes, cleaning supplies, order commissary, and was not allowed to have books, writing utensils, or envelopes, electronics or legal book access. This despite the fact that inmates being held in the same unit that were there for real segregation punishment for stabbing officers or other inmates get all of these things.

The entire stay I was stuck in a cell rated and approved for one person but shared by two for 24 hrs per day.

While on the writ in March of 2007 I was subjected to nightly sleep deprivation due to correctional officer Hester's preaching of christian doctrine at nearly shouting levels saying the beniefits of food and how God provides it from the hours of 2AM to 6AM. I observed her chastising Muslim inmates who objected to this and she gave them disciplinary tickets because they complained after calling them heathens and saying they were going to Hell.

Both times I was there I was denied any cleaning materials for my filthy cell. The March writ lasted 2 weeks and the May writ was 5 weeks all of which time these conditons existed despite requests by me and others for yard, commissary, books, law library access, hygiene items, clean uniforms, and uninterrupted sleep.

The sleep deprivation of the 'NRC' center of Stateville is caused by their unnecessary count procedure every 2 hrs with officers waking up inmates that are in plain sight by banging on the cell doors and windows.

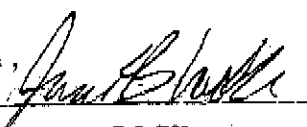
The privileges that general population inmates are given in IDOC are taken away from me when I go on writs to court without any disciplinary infraction by me or other writ guests.

The officers in 'NRC' would smoke in the lower floors in empty cells which would set off the fire alarms in the middle of the night and day making it even more difficult to get any amount of sleep. I filed numerous grievances with IDOC none of which were answered or returned. When I complained to the lieutenants they told me 'don't come to prison' and the conditions have caused me to dread going back to court to challenge my convictions. Most inmates I tilak to give up on ther post-conviction claims after they are subjected to the conditions at Stateville and the punishment given to writ guests by IDOC for no legitimate reasons.

This affidavit is made of my own free will and I understand that it may help in a possible class action suit of which I am willing to be a part of and participate in.

I further sayeth not.

Dated: JUNE 16 2008

Signed, 

JAMES E. BLACK

B-56790

AFFIDAVIT

I, Jeffrey Knight, the undersigned affiant, certify and state that I have read the following affidavit and have personal knowledge of the information therein and certify under oath and under penalty of perjury as provided by 28 USC 1746 and 18 USC 1621 state the following to be true and correct to the best of my knowledge and belief;

That I have been incarcerated at the Stateville Corr. Ctr in Joliet, IL while on court writs approximately 30 times in the last 6 years. The most recent times were November 2007 and February 2008.

These last court writs were in the 'NRC' center of Stateville C.C. and I experienced a violation of my constitutional rights when the officers in charge forced me to be strip searched in front of approx. 80 other inmates on a filthy floor despite IDOC's rules to the contrary. The method of the strip search included body cavity searches with officers checking all orifices visually with no medical personnel present.

While in 'NRC' I suffered daily sleep deprivations due to the serving of breakfast at 2:30 AM and other disruptive and unnecessary conduct of the officers and staff. At 9pm they count inmates and those that may be asleep are told to 'move' even though the inmates are in plain view. The officers bang on the doors to ensure inmates wake up. This is done again at 11pm, 6:30 AM, 12pm, 3pm and meals at 9AM (lunch) and dinner at 5pm giving no chance to sleep more than 2-3hrs uninterrupted.

The lack of sleep makes it very difficult to attend court as being tired affects concentration and understanding.

While in 'NRC' and on my other writ visits to Stateville C.C. I was never given a pillow making sleeping even more difficult.

At all times as a 'writ guest' at Stateville C.C. I was denied almost all privileges that general population inmates at Stateville, and the other prisons I was transferred from, receive. The loss of privileges and property are more restrictive than inmates in segregation. I have been denied books, magazine, electronics, pens all which inmates in segregation are allowed to have. I had no day room time to use phones or showers, no law library access, and as a result had my constitutional rights violated.

I have observed inmates drop their criminal litigation so as to avoid the conditions at Stateville or obtain long delays to avoid stays that would last anywhere from 1 month to 1 year.

The cells in Stateville are filthy and we are given no cleaning supplies to clean them, rarely is the laundry done or a change of uniform given, and the cells are infested with roaches and mice. Complaining to the officers does no good as they ignore complaints and threaten those who persist.

This affidavit is made of my own free will and I understand that it may help in a possible class action suit of which I am willing to be a part of.

I further sayeth not.

This affidavit being made under penalty of perjury this 13th day of August, 2008, pursuant to 28 USC 1746 and 18 USC 1621.



Jeffrey Knight
K73004
Danville Corr. Ctr
3820 East Main
Danville, IL 61834

EXHIBIT G-1



an affiliate of Sherman Health Systems
934 Center Street • Elgin, Illinois 60120-2198
847-742-9800



4900 South Route 31 • Crystal Lake, Illinois 60012
815-455-3650

SHERMAN HOSPITAL
EMERGENCY DEPARTMENT

Giampaolo, Dominick
AGE: 32 SEX: M

CHIEF COMPLAINT: Chest pain.

HISTORY OF PRESENT ILLNESS: This 32-year-old male complained of acute onset of non-radiating, nonexertional left-sided chest pain occurring 30 minutes prior to arrival and has been constant. Pain is increased with deep inspiration and movement. No alleviating factors. No fever, calf pain, or edema. He describes numbness to his hands and feet. Mild dyspnea is associated with the above. He states he does have a chest pain in the past. He was seen at Alexian Brothers, discharged from the Emergency Department and told that if he had persistent pain he may need a MRI scan. The patient did not follow up. No skin rashes. There is no history of drug use.

PAST MEDICAL HISTORY: Irritable bowel and chest pain (nursing notes angina. Patient did not state this to me).

MEDICATIONS: None.

ALLERGIES: None.

SOCIAL HISTORY: Negative for tobacco and cocaine. Patient is currently in police custody.

FAMILY HISTORY: Noncontributory.

REVIEW OF SYSTEMS: Constitutional - No fever or anorexia. ENT - No recent upper respiratory illness. Cardiac/pulmonary as noted. In addition, no dyspnea on exertion (paroxysmal nocturnal dyspnea or orthopnea). No palpitations. Gastrointestinal - No abdominal pain, nausea, or vomiting.

PHYSICAL EXAMINATION: GENERAL APPEARANCE: Alert, anxious appearing male. VITAL SIGNS: Temperature 98°. Pulse 125. Respirations 40. Blood pressure 106/47. HEENT: Conjunctivae are anicteric and moist. Oral mucosa is moist. NECK: Neck veins are flat. No carotid bruits. Trachea midline. LUNGS: Clear and tachypnea. CARDIAC: Rapid but regular. ABDOMEN: Soft and nontender. MENTAL STATUS: He is alert, anxious, and nontoxic appearing. Speech is fluent and coherent. Behavior is appropriate.

DIAGNOSTICS STUDIES: Pulse oximetry is normal at 100%. Electrocardiogram shows sinus tachycardia. There is left ventricular hypertrophy by voltage criteria. The chest x-ray is normal.

EMERGENCY DEPARTMENT COURSE: Droperidol is given with resolution of his hyperventilation. Repeat vital signs - Pulse 80. Respiratory rate 18. Blood pressure 120/88. Pain still persists. Motrin 800 milligrams is ordered and will be given.

IMPRESSIONS: (1) NONSPECIFIC PLEURITIC CHEST PAIN TO THE LEFT CHEST WALL.
(2) HYPERVENTILATION.

DISPOSITION: Home.

CONDITION: Good.

D: 12/07/98 2021
T: 12/08/98 0035
TR: 25

Giampaolo, Dominick
MR #: 521211

DIAGNOSES: (1) ATYPICAL CHEST PAIN.
(2) PLEURISY.



DAVID W. HILL, JR., M.D.

D: 08/18/98 0225
T: 08/18/98 0518
TR: 28

Giampaolo, Dominick
MR #: 000897818

ADDRESSOGRAPH

MEDICAL RECORDS

Date: 12/7/98 Time: 1917 Patient Name: GIAMPAOLA, DOMINICK Sex: M Age: 32Y
MD: STRUGER Triaged By: ial Language: English Interp:
P. Joem/Subj SHARP LEFT CHEST PAIN WITH NAUSEA Where:
Objective: HYPERVENTILATION ON ARRIVAL.
LMP: Imm: TB: No Tetanus: No Work Area: Major Arrival: Ambulance
Medications ntg Acuity: Level 2
Allergies: NKA Smoker No DV: No
Past History irritable bowel, angina Source: Patient
V.S. Time: BP: 106/47 Pulse: 125 Resp: 40 Temp: 98 Oral O2Sat: 100 WtKg: 0.0

Time	B/P	P	R	T	NURSING NOTES					
1917					Pt presents = EPO - Ems - 96 sudden onset of sharp chest pain and nausea. Some radiation of pain. Alert - hyper-ventilating - appears to be extremely uncomfortable to deep breaths - NRS 5/10 - 5/10. Emp - ST. Pt had i NTG on route - state no relief. Str w/o EKG on arrival.					
Time	Source	Intake	Output	DISPOSITION CONDITION (CIRCLE APPROPRIATE DESCRIPTIONS)						
				LOC	SKIN	LUNGS	GAIT	PAIN	SPEECH	
				ALERT ORIENTED CONFUSED LETHARGIC COMATOSE	RINK PALE CYANOTIC	WARM COOL DRY DIAPHORETIC	CLEAR WHEEZING RALES RHONCHI	STEADY / UNSTEADY	0-NONE 1-3-MILD 4-6-MOD 7-8-SEVERE 9-10-WORST POSS	
				EDRN SIGNATURE		TIME		EDRN SIGNATURE		TIME
				1)				[Signature]		
				PT. BELONGINGS				PSYCHOSOCIAL / FUNCTIONAL NEEDS		
				CIRCLE ONE: PATIENT / FAMILY / OTHER				CIRCLE ONE: YES / NO		
TOTAL				REPORT GIVEN TO				REFERRAL		

GIAMPAOLA, DOMINICK
05/23/66 80878634
PHYSICIAN, ER
12/07/98 ER
521211

EMERGENCY NURSING RECORD

TOP COPY-MEDICAL RECORDS BOTTOM COPY-PHYSICIAN

ILLINOIS DEPARTMENT OF CORRECTIONS

EXHIBIT G-5

Offender Physical Examination

DANVILLE CORRECTIONAL Center

Date: 5/17/07
 Time: 11:30 ☒ a.m. ☐ p.m.

Offender Information:

Giampolo Dominick ID#: R04860
 Last Name First Name MI
 Race: ☒ White ☐ African American ☐ Asian American ☐ Hispanic ☐ Native American ☐ Other
 Gender: ☒ Male ☐ Female Date of Birth: 5 23 1967

	Yes	No	Explanation:
Hx reviewed			
Lab reviewed			

Subjective: Condition	Yes	No	Explanation:
Allergy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>fish cigarettes</u>
Substance Abuse		<input checked="" type="checkbox"/>	
a. Alcohol	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. IV Drugs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Other Drugs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Hx, drug/alcohol withdrawal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Shared Needles		<input checked="" type="checkbox"/>	
Sexual Contact with:		<input checked="" type="checkbox"/>	
a. IV drug user	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Prostitute(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Multiple Partners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homosexual Activity		<input checked="" type="checkbox"/>	
STD		<input checked="" type="checkbox"/>	
HIV+/AIDS		<input checked="" type="checkbox"/>	
Blood Transfusions		<input checked="" type="checkbox"/>	
Three or more months of:		<input type="checkbox"/>	
a. Fever	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Diarrhea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Night Sweats	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Persistent URI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Weight Loss (>15 Lbs.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>- 30 lbs</u>
Lymphadenopathy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Fatigue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>1-2pm & afternoon</u>
Other (Female)	<input type="checkbox"/>	<input type="checkbox"/>	G _____ P _____ AB _____ LNMP _____
a. Mammography	<input type="checkbox"/>	<input type="checkbox"/>	Date/Results: _____
b. Family Hx Breast Cancer	<input type="checkbox"/>	<input type="checkbox"/>	If yes, family member: _____
c. PAP Smear	<input type="checkbox"/>	<input type="checkbox"/>	Date/Results: _____

Past Hospitalizations:

Diagnosis: Ulcer
 Date(s): 10/06
 Hospital: Wendover Infirmary
 Location: Salesburg, IL

Diagnosis: Chest Pains (Angina)
 Date(s): 10/06
 Hospital: Alexian Bros Hosp
 Location: Elk Grove Village, IL

EXHIBIT G-6

(QNH2\$P)

07/15/97 07:41 PM PAGE 002

I WOULD RECOMMEND AN UPPER GI AND SMALL BOWEL FOLLOWTHROUGH TO COMPLETELY EXCLUDE INFLAMMATORY BOWEL DISEASE; HOWEVER, IF THIS IS NEGATIVE, HE WILL NEED TO BE PLACED ON TREATMENT FOR IRRITABLE BOWEL SYNDROME ALONG WITH MANAGEMENT OF HIS UNDERLYING PSYCHOLOGICAL DIFFICULTIES.

Leubi's dated

D: 07/12/97

T: 07/14/97

R: 07/15/97

ATTENDING: DRUGAS G.M MD

ORDERING :

DICTATING: MCKENNA, M.E. MD

MD ID #: 0482

CC:

JOB NUMBER: 1094

L1519312.KLG/SH

-ELECTRONIC SIGNATURE

LAST PAGE